



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams,
Agency Secretary

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Arnold Schwarzenegger
Governor

Meeting Minutes

Los Angeles Regional Water Quality Control Board
November 20, 2008 Regular Board Meeting
Metropolitan Water District of Southern California
700 North Alameda Street
Los Angeles, California

The meeting was called to order by Chair Fran Diamond at 9:12 a.m.

Pledge of Allegiance.

Item 1. Roll Call

Board Members Present: Chair Fran Diamond, Vice Chair Mary Ann Lutz, Steve Blois, Maribel Marin, Leo Vander Lans, Madelyn Glickfeld, Alex Soteras, and Maria Mehranian

Board Members Absent: Felton 'Dick' Richardson,

Staff Present: Tracy Egoscue, David Bacharowski, Ronji Harris, Jack Price, Michael Levy, Jennifer Fordyce, Jeff Ogata, Stephen Cain, Samuel Unger, Paula Rasmussen, Elizabeth Erickson, Wendy Phillips, Rebecca Chou, David Hung

Individuals whose Names Appear on the Sign-In Sheet

Dr. Mark Gold, Heal the Bay	Mr. Steven Braband, California Onsite Wastewater Association
Ms. Kirsten James, Heal the Bay	
Mr. Don Schmitz, Schmitz & Associates	Ms. Nancy Hastings, Surfrider Foundation WLA
Mr. Pio Lombardo, Malibu La Paz Project	Ms. Lucille Keller, Representing self
Mr. Walt Keller, Representing self	Mr. Mike Barsocchini, Architect Representing self
Ms. Miriam Sykes, City of Glendale	Mr. Scott Rigg, City of Vernon
Ms. Carman Trujillo, City of Arcadia	Ms. Cathy Holloman So. CA Water District
Mr. Hugo Borja, So. CA Water District	Mr. Eldor Davidson, Backnan & Associates
Mr. Scott Ochoa, City of Monrovia	Ms. Heather Maloney, City of Monrovia
Mr. Paul Grisanti, Representing self	Mr. Tamar Stein, Esq., Malibu La Paz Ranch LLP
Mr. Jay Alman, Integrated Water Services	Mr. Jason Wen, City of Downey
Mr. Bert Mason, Park water Company	Mr. Charles Emig, City of Lakewood
Ms. Myriam Cardenas, City of Santa Monica	Mr. J.J. O'Brien, Malibu Lumber LLC
Ms. Nancy Hastings, Surfrider Foundation	Ms. Susie Santilena, Heal the Bay
Mr. Russ Mosser, Mosser PLS	Mr. Mark Abramson, Santa Monica Baykeeper
Mr. Andrew Nickerson, Psomas	Mr. Paul Grisanti, Malibu Resident

California Environmental Protection Agency



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Mr. Jeff Zane, WCE	Mr. Chris Huy, Malibu Resident
Mr. Norman R. Haynie, City of Malibu	Mr. Gene Lucero, Rep. Malibu Lumber LLC
Mr. Guangyu Wangm, Rep. Santa Monica Bay Restoration Project	Mr. Mark Abramson, Santa Monica Baykeeper Mr. Richard Sherman, Representing self
Ms. Rebekah Evans, CEO Malibu Chamber of Commerce	Mr. Ken Kearsley, Representing self

Item 2. Order of Agenda.

- *Items 10 and 12 (Telair International, Inc. and Fairchild Holding Company) are postponed.*

Item 3. Approval of draft meeting Minutes for October 2, 2008 meeting.

MOTION: To approve the draft meeting Minutes for October 2, 2008 Board meeting.

First: Board Member Madelyn Glickfeld

Second: Vice Chair Mary Ann Lutz

Vote: Approved by unanimous vote.

Item 4. Board Member Communications.

There was no communication reported that constitutes disclosure for this item.

Item 4.1 Chair and Vice Chair Selection Team for 2009. *Chair Fran Diamond asked members of the Board if they were interested in volunteering to head or participate as a nominating team for the 2009 Board Chair and Vice Chair selection. She asked them to Report at the December 2008 meeting, and the Nominations will be presented and voted on at the February 2009 Board meeting.*

Item 5. Executive Officers Report

Report given by Ms. Tracy Egoscue, Executive Officer, and posted on the Board's website:
www.swrcb.ca.gov/~rwqcb4/html/eo_reports/eo_reports.html

Item 5.b Board Checklist.

There was no discussion or questions regarding the Board Checklist.

Item 5.c Report from State Board.

There was no report from State Board at this meeting.

Item 6. Public Forum.

- Mr. Jason Wen, City of Downey
- Mr. Scott Ochello, City Manager, City of Monrovia
- Mr. Lad Trosbick, Compton resident



Uncontested Items Calendar.

MOTION: To deem non-controversial and approve Agenda Item(s): 7, 8, 9, 11, 13, 14, and 15

First: Board Member Steve Blois

Second: Board Member Maribel Marin

Vote: Approved by unanimous vote.

Item 16. City of Malibu Memorandum of Understanding (MOU) for onsite Wastewater Treatment Plants, City of Malibu

Staff Report. Ms. Elizabeth Erickson, Regional Board Staff (*Ms. Erickson made, but was not limited to the following points in her presentation*):

- *Staff recommendation is to renegotiate the MOU to address process and concerns and to exclude commercial buildings to MOU.*
- *Discussed the development of the MOU*
- *In 2008 impairments continue*
- *The Board has issued various Notices of Violations for impairments*
- *Approximately 6,000 septic systems have been permitted by the City of Malibu, and most septic systems have not been updated*
- *The reasons for evaluating the MOU now instead of its renewal date is due to inappropriate use of MOU, and the MOU is not meeting our standards*
- *Discussed the Beneficial Uses and Water Quality Impairments*
- *Bacteria continues and there are 93 more violations of TMDLs*
- *Talked about the Septic Prohibition*

Representative City of Malibu Mayor Pamela Conley-Ulich: (*There was a joint presentation for the City of Malibu which included the following*):

- Mr. Jim Thorsen, City Manager, City of Malibu
- Mr. John Sibert, Ad-Hoc Committee
- Ms. Christi Hogan, Attorney General's Office

In the City's presentation, they stated that the MOU has been successful and has served as a model, and that the City is dedicated to improving water quality in many of their projects. Other comments by the City as follows:

- *The City engages residents through public education programs and outreach*
- *The City of Malibu is well qualified and well positioned to administer permits*
- *The City has taken on projects to improve wastewater treatment plant programs*
- *Construction is anticipated early next year*
- *The City assumes costs of administering permits*
- *The City has implemented water conservation programs*



Public Comment.

- Mr. Pio Lombardo, Malibu La Paz Project (No position)
- Mr. Jeff Jennings, Malibu City Council Member (opposed)
- Mr. Ken Kearsley, Ex-Mayor City of Malibu (opposed)
- Mr. Steven Braband, CA Onsite Wastewater Association (in support)
- Don Schmitz, Schmitz & Associates (opposed)
- Mr. Larry Young, CA Environmental Health Specialist (no position)
- Ms. Nancy Hastings, Surfrider Foundation West LA Malibu Chapter (in support)
- Mr. Walt Keller, Resident (opposed)
- Ms. Lucille Keller, Resident (opposed)
- Mr. Mike Barsocchini, Resident (opposed)
- Mr. Paul Grisanti, Resident (opposed)
- Ms. Tamar Stein, Malibu LaPaz Ranch, LLP (no position)
- Mr. Norm Haynie, Advisory Committee City of Malibu (opposed)
- Mr. Gene Lucero, Latham & Watkins (in support)
- Dr. Mark gold, Heal the Bay (in support)
- Mr. Guangyu Wang, Santa Monica Bay Restoration Commission (in support)
- Mr. Mark Abramson, Santa Monica Baykeeper (in support)
- Mr. Richard Sherman, Resident (opposed)
- Ms. Rebekah Evans, CEO Malibu Chamber of Commerce (opposed)

The Board went into Closed Session break at 1:10. The meeting reconvened at 2:10 pm.

Board concerns, questions and discussion;

- *Do we have anything in place that would take over if the MOU is terminated?*
- *Asks clarification on the purpose of the Resolution?*
- *If MOU is renegotiated, what is the time period that the existing MOU would be in force?*
- *Asks clarification as to whether or not restaurant waste is considered industrial waste; and if not, where is it covered if it generates less than 2,000 gpd?*
- *Asks why the City has not approved the construction of the advanced treatment systems required by the WDRs?*
- *Whose responsibility is the monitoring wells' sampling and maintenance?*
- *What percentage of bacteria or nitrogen comes through septic systems?*
- *Is there any scientific evidence that bacteria comes through the septic systems?*

Staff Counsel Jeff Ogata stated clarified that if the Board renegotiated the MOU, the old MOU will still be in place and in force until the new MOU is in force.:

MOTION: *After much discussion, a motion was made, to approve the proposed Memorandum of Understanding with changes as follows:*

- *To continue the MOU as it is and renegotiate*
- *A septic Prohibition to be brought back and the City to*
- *Remove finding 3 on page 16-16 of the Resolution*
- *Exclude commercial businesses*



First: Board Member Madelyn Glickfeld

Second: Vice Chair Mary Ann Lutz

Vote: Approved by unanimously.

Draft Minutes adopted at the December 11, 2008 Board meeting.

Written and submitted by: _____, then finalized on
Ronji R. Harris

